

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

NICHOLE LYNN LANG,

Plaintiff,

vs.

KILOLO KIJAKAZI, Acting
Commissioner of the Social Security
Administration,

Defendant.

4:20-CV-3119

ORDER

This matter is before the Court upon the plaintiff's Motion for Award of Attorney Fees Pursuant under the Equal Access to Justice Act, [28 U.S.C. § 2412\(d\)](#) ([filing 36](#)). The defendant has no objection to awarding of fees and expenses in the amount of \$3,400, which represents 24 hours of work at a rate of \$125.00 per hour. [Filing 37](#).

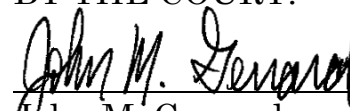
The Court has determined that plaintiff was the prevailing party in this action, as the application for fees was filed in a timely fashion, and the Commissioner's decision was reversed and the case was remanded to the Commissioner for further proceedings on the government's concession that the position of the Commissioner was not substantially justified because the administrative law judge made findings that were not supported by substantial evidence. See [Koss v. Sullivan](#), 982 F.2d 1226 (8th Cir. 1993). Therefore, the plaintiff is entitled to an award of attorney fees.

IT IS ORDERED:

1. The plaintiff's Motion for Award of Attorney Fees Pursuant under the Equal Access to Justice Act, [28 U.S.C. § 2412\(d\)](#) ([filing 36](#)) is granted.
2. By separate document, the Court shall enter judgment for the plaintiff and against the defendant providing that the plaintiff is awarded attorney fees of \$3,400.00.

Dated this 30th day of November, 2021.

BY THE COURT:

A handwritten signature in black ink, appearing to read "John M. Gerrard", is written over a horizontal line.

John M. Gerrard
United States District Judge